

May 18, 2005

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
MAY 18, 2005

- I. OPENING OF MEETING AT 10:30 A.M. AT 425½ SOUTH FOURTH STREET, SPRINGFIELD, ILLINOIS

- II. PRESENT

- III. APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 21, 2005

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD APRIL 21, 2005?

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	Total <u>Employees</u>	Number of Exempt <u>Positions</u>
Aging.....	158	6
Agriculture	489	17
Arts Council	22	1
Banks & Real Estate.....	1	0
Capitol Development Board.....	17	0
Central Management Services.....	1605	119
Children and Family Services	3413	40
Civil Service Commission.....	4	0
Commerce & Econ. Opportunity.....	459	59
Commerce Commission	44	0
Corrections	14,283	116
Criminal Justice Authority	79	5
Deaf and Hard of Hearing Comm.	7	1
Developmental Disabilities Council.....	10	1
Emergency Management Agency.....	111	2
Employment Security	1891	26
Environmental Protect. Agency.....	1097	16
Fin. & Prof. Regulation	795	37
Guardianship and Advocacy	109	6
Historic Preservation Agency.....	279	8
Human Rights Commission.....	11	2
Human Rights Department.....	138	7
Human Services.....	15,105	60
Investment Board	3	1
Labor	74	7
Labor Relations Board Educational.....	15	2
Labor Relations Board Local	1	0
Labor Relations Board State.....	19	2
Law Enforce. Trng. & Standard Bd.....	23	1
Medical District Comm.	2	0
Military Affairs	145	3
Natural Resources	1503	27
Pollution Control Board	26	3
Prisoner Review Board.....	23	0
Property Tax Appeal Board.....	23	2
Public Aid.....	2287	24
Public Health	1125	28
Revenue.....	2037	56
State Fire Marshal	135	7
State Police.....	1501	6
State Police Merit Board	5	1
State Retirement Systems	84	1
Transportation	2882	1
Veterans Affairs	1170	3
Workers Compensation Comm	171	9
TOTALS	53,381	713

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

* * *

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

C. Department of Children & Family Services - Proposed Exemption

The following 4d(3) request for exemption was continued at the April 21, 2005 meeting until the May 18, 2005 meeting.

COPY

Dear Director Rumman:

I am requesting that the following position be considered for 4d(3) exemption:

Position Title:	Senior Public Service Administrator
Position Number:	40070-16-00-700-00-01
Division:	Contract Compliance Administrator
Incumbent:	Vacant
Supervisor:	Director
Location:	Cook County

This position will function as the Statewide Contract Compliance Administrator, serving as principal policy-formulating administrator for all aspects of contract compliance of all direct service providers' contracts and program plans statewide, having significant authority to bind the agency to a specific course of action. The incumbent of the position will exercise principal responsibility in making decisions for the determination that direct service contract obligations are performed in compliance with all applicable laws, rules, procedures, and policy and performance standards. The incumbent will implement long-term strategic goals associated with contract compliance. Formulating statewide policies and procedures, this position will serve on the Director's Executive Staff, providing administrative expertise relating to contract compliance and assuming full responsibility for agency-wide contract compliance.

Reporting directly to the Director of the Department of Children and Family Services, the incumbent will work with various DCFS administrators and key stakeholders in the planning and programming of the identification and resolution of contract and program plan ambiguities, conflicts and deficiencies and will oversee the development of contract program plans for identified service gaps and formulate strategies to address those issues. Additionally, the incumbent will draft new rules, contractual terms and procedures governing the substantive content of contracts and program plans, which would bind the agency to a course of action.

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Due to the nature and scope of the duties of this position, as well as the sensitivity of the issues and policy-making responsibilities, I am requesting this position be granted exempt status. Enclosed are the position description, position review/determination form and organizational chart.

END OF COPY

CMS Recommendation

This position meets the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, CMS recommends 4d(3) exemption.

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-16-00-700-00-01
Division:	Contract Compliance Administrator
Incumbent:	Vacant
Supervisor:	Director
Location:	Cook County

D. Department of Financial and Professional Regulation - Proposed Exemption

The following 4d(3) request for exemption was continued at the April 21, 2005 meeting until the May 18, 2005 meeting.

COPY

Dear Director Rumman:

I am requesting that the following position be considered for 4d(3) exemption:

Position Title:	Senior Public Service Administrator
Position Number:	40070-13-10-304-00-01
Division:	Commercial Bank Supervision Division
Incumbent:	Marc A. Edwards
Supervisor:	SPSA (40070-13-10-300-00-01)
Location:	Sangamon County

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

It appears this position qualifies for such exemption as listed below:

1. The position will report to an Assistant Director;
2. This is a Senior Staff position involving responsibility for the determination and implementation of policy impacting division and statewide operations; and
3. Serves as a member of the BRE Senior Management Staff; develops new initiatives and reports on the impact of initiatives for the division/bureau.

END OF COPY

CMS Recommendation

A review of organizational placement reveals that the position does **not** meet the reporting relationship criteria of the Commission rules. Therefore, we do not recommend 4d(3) exemption be extended to this position.

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-13-10-304-00-01
Division:	Commercial Bank Supervision Division
Incumbent:	Marc A. Edwards
Supervisor:	SPSA (40070-13-10-300-00-01)
Location:	Sangamon County

E. **Department of Financial and Professional Regulation - Proposed Exemption**

The following 4d(3) request for exemption was continued at the April 21, 2005 meeting until the May 18, 2005 meeting.

COPY

Dear Director Rumman:

I am requesting that the following position be considered for 4d(3) exemption:

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Position Title: Senior Public Service Administrator
Position Number: 40070-13-10-306-00-01
Division: Commercial Bank Supervision Division
Incumbent: Craig S. Volk
Supervisor: SPSA (40070-13-10-300-00-01)
Location: Cook

It appears this position qualifies for such exemption as listed below:

1. The position will report to an Assistant Director;
2. This is a Senior Staff position involving responsibility for the determination and implementation of policy impacting division and statewide operations; and
3. Serves as a member of the BRE Senior Management Staff; develops new initiatives and reports on the impact of initiatives for the division/bureau.

END OF COPY

CMS Recommendation

A review of organizational placement reveals that the position does **not** meet the reporting relationship criteria of the Commission rules. Therefore, we do not recommend 4d(3) exemption be extended to this position.

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title: Senior Public Service Administrator
Position Number: 40070-13-10-306-00-01
Division: Commercial Bank Supervision Division
Incumbent: Craig S. Volk
Supervisor: SPSA (40070-13-10-300-00-01)
Location: Cook County

F. **Department of Revenue - Proposed Exemption**

The following 4d(3) request for exemption was continued at the April 21, 2005 meeting until the May 18, 2005 meeting.

COPY

Dear Director Rumman:

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

I am proposing the exemption of the following current Senior Public Service Administrator, Opt. 1, as provided in Section 4d(3) of the Personnel Code:

Position Title:	Senior Public Service Administrator
Position Number:	40070-25-00-100-50-01
Division:	Equal Opportunity/Ethics Officer
Incumbent:	Vacant
Supervisor:	Director
Location:	Sangamon County

This position serves as the Agency Equal Employment Opportunity and Agency Ethics Officer and reports directly to me with responsibility for directing and administering policies and procedures affecting agency EEO and Ethics programs for the Agency. This position acts with full authority in speaking on my behalf relative to Equal Employment Opportunity issues and Ethics programs.

The attached CMS-104 and organizational chart will depict the placement and responsibility of this position. If additional information is required, please contact Deborah Tumulty, Chief Personnel Officer, at 782-4708.

CMS Recommendation

This position meets the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, CMS recommends 4d(3) exemption.

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-25-00-100-50-01
Division:	Equal Opportunity/Ethics Officer
Incumbent:	Vacant
Supervisor:	Director
Location:	Sangamon County

G. **Department of Revenue - Proposed Exemption**

The following 4d(3) request for exemption was continued at the April 21, 2005 meeting until the May 18, 2005 meeting.

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

COPY

Dear Director Rumman:

I am proposing the exemption of the following current Senior Public Service Administrator, Opt. 7, as provided in Section 4d(3) of the Personnel Code:

Position Title:	Senior Public Service Administrator
Position Number:	40070-25-53-100-00-01
Division:	Mgr/Bureau of Criminal Investigation
Incumbent:	Vacant
Supervisor:	Director
Location:	Sangamon County

This position serves as Manager of the Bureau of Criminal Investigations. As a direct subordinate of the Program Administrator, this position has particular accountability for policy-making responsibilities such as formulating policy guidelines relative to Agency integrity and administration of tax laws and formulating policy for tax enforcement programs.

The attached CMS-104 and organizational chart will depict the placement and responsibility of this position. If additional information is required, please contact Deborah Tumulty, Chief Personnel Officer, at 782-4708.

END OF COPY

CMS Recommendation

This position meets the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, CMS recommends 4d(3) exemption.

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-25-53-100-00-01
Division:	Mgr/Bureau of Criminal Investigation
Incumbent:	Vacant
Supervisor:	Director
Location:	Sangamon County

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

H. Central Management Services - Proposed Exemption

The following recommendation and supporting materials were received from the Director of the Department of Central Management Services.

COPY

Dear Chairman Kolker:

The Department of Central Management Services is requesting 4d(3) policy exemption of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-80-000-01-02
Bureau/Division:	Illinois Office of Communication and Information/ Media Services
Incumbent:	Vacant
Supervisor:	Deputy Director of the Illinois Office of Communication and Information
Location:	Cook County

The rationale for requesting this exemption is supported by the following:

1. The Media Administration Coordinator reports to the Deputy Director of the Illinois Office of Communication and Information (IOCI) who exercises full line authority under the Director and is responsible for performing duties clearly distinct and separate from other Deputy Directors and statutorily appointed Assistant Directors.
2. The Media Administration Coordinator serves as an expert authority in collaboration with the Deputy Director, all IOCI Media Administrators, the CMS Director's Executive Staff, the Governor's Press Office and senior managers of all IOCI client agencies in the development of policies, procedures and guidelines for Media Services operations including those associated with priority establishment, project tracking and review, which fix objectives and state principles controlling action towards operating objectives for Central Management Services and all IOCI client agencies.
3. This position provides facilitative and leadership assistance on behalf of the Deputy Director on all IOCI Media Services projects, frequently involving materials and information of a controversial and sensitive nature, possessing authority to reallocate IOCI and client agencies' resources to redirect resources to higher priority issues presented by client agencies to achieve most efficient order of completion to best serve the agency's Media Services mission and to insure completion of tasks in order of importance and urgency set forth in consultation

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

with the Deputy Director and the client agencies which plan and program division and departmental activities for both CMS and IOCI client agencies and integrates the plans and projections of related divisions and agencies.

4. The Media Administration Coordinator serves as spokesperson for the Deputy Director and the agency on issues associated with IOCI Media Services to the Governor's Press Office, the legislature, the media, client agencies and various state, local and federal organizational entities and public interest groups.

This position does meet the reporting criteria of the Civil Service Commission Rules and considering similarities of this requested position with those of other 4d(3) exempted positions in Central Management Services, I recommend 4d(3) exemption.

To facilitate your review, I have enclosed copies of the position description and organization charts. If additional information is required, please contact Larry Plummer in the Bureau of Personnel at 557-0225.

Thank you for your consideration of this request.

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-37-80-000-01-02
Bureau/Division:	Illinois Office of Communication and Information/ Media Services
Incumbent:	Vacant
Supervisor:	Deputy Director of the Illinois Office of Communication and Information
Location:	Cook County

I. **Department of Veterans' Affairs - Proposed Exemption**

The following recommendation and supporting materials were received from the Director of the Department of Veterans' Affairs.

COPY

Dear Director Rumman:

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

We are proposing the exemption of a new Senior Public Service Administrator, Option 1 as provided in Section 4d(3) of the Personnel Code:

Position Title:	Senior Public Service Administrator
Position Number:	40070-34-00-000-01-01
Division:	Director's Office
Incumbent:	Vacant
Supervisor:	Agency Director
Location:	Sangamon

This position reports directly to the Director of the Department of Veterans' Affairs serving as the Chief of Staff for the Department

The attached CMS-104 and organizational charts will depict the placement and responsibility of this position. Thank you for your assistance in this matter.

END OF COPY

CMS Recommendation

The position does meet the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-34-00-000-01-01
Division:	Director's Office
Incumbent:	Vacant
Supervisor:	Agency Director
Location:	Sangamon

J. Department of Commerce and Economic Opportunity - Proposed Exemption

The following recommendation and supporting materials were received from the Director of the Department of Commerce and Economic Opportunity.

COPY

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

Dear Director Rumman:

I am requesting 4d(3) exemption for a Public Service Administrator that provides key management support to the Agency's Managing Director of the Illinois Film Office. This position serves as Assistant Managing Director of the Illinois Film Office.

Position Title:	Public Service Administrator
Position Number:	37015-42-00-050-11-01
Division:	Director's Office/Film Office
Incumbent:	Vacant
Supervisor:	Illinois Film Office Manager, 40070-42-00-050-00-01
Location:	Cook County

In March 2003, the Agency had requested several Assistant Deputy Director positions for 4d(3) exclusion. The justification was based on the elimination of the Chief Operating Officer, a position that had previously directly supervised the Agency's Bureaus. Because of this change, the Bureau's Deputy Director's scope of responsibility increased to implement and identify Agency-wide resources when projects warranted multi-involvement for economic development projects. In turn, this change elevated the reporting hierarchy and the principle policy administration of Assistant Deputy Director positions. This position currently requested for 4d(3) also maintains this same scope of responsibility. Although the Illinois Film Office is in direct reporting relationship to the Director, the scope of the Office's responsibilities are equal to the Agency's Bureaus, in that this Managing Director must also implement and identify agency-wide resources when projects warrant multi-involvement for economic development projects. In turn, this change elevates the reporting hierarchy and the principle policy administration of the Assistant Managing Director position. The Assistant Managing Director directs and administers the strategic planning and developing of new initiatives for the Office. This position also maintains authority to commit policy, resources and operational actions in the same capacity of the Managing Director in their absence.

The policy and administrative responsibility of this position warrant consideration to be exempt under Section 4d(3) of the Personnel Code. I ask for your approval of my request to make this position 4d(3) exempt and to be effective as soon as possible.

END OF COPY

CMS Recommendation

The position does meet the reporting criteria of the Commission Rules and considering similarities of the requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title: Public Service Administrator
Position Number: 37015-42-00-050-11-01
Division: Director's Office/Film Office
Incumbent: Vacant
Supervisor: Illinois Film Office Manager, 40070-42-00-050-00-01
Location: Cook County

K. Department of Financial and Professional Regulation - Proposed Exemption

The following recommendation and supporting materials were received from the Director of the Department of Financial and Professional Regulation.

COPY

Dear Director Rumman:

I am requesting the attached job description for the following position of Senior Public Service Administrator within the Department of Financial and Professional Regulation be exempted from Jurisdiction B of the Illinois Personnel Code under provisions of Paragraph 4d(3).

Position Title: Senior Public Service Administrator
Position Number: 40070-13-10-305-00-01
Division: Chicago Commercial Bank Supervision Division
Incumbent: Richard Brunskill
Supervisor: Senior Public Service Administrator
Location: Cook County

It appears this position qualifies for such exemption as listed below:

- 1) The position will report to an Assistant Director;
- 2) This is a Senior Staff position involving responsibility for the determination and implementation of policy impacting division and statewide operations; and,
- 3) Serves as a member of the BRE Senior Management Staff; develops new initiatives and reports on the impact of initiatives for the division/bureau.

May 18, 2005

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (continued)

If you require any additional information, please contact Richard Foxman, Human Resources Director, at 312/814-3230.

END OF COPY

CMS Recommendation

A review of organizational placement reveals that the position does **not** meet the reporting relationship criteria of the Commission rules. Therefore, we do not recommend 4d(3) exemption be extended to this position.

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

Position Title:	Senior Public Service Administrator
Position Number:	40070-13-10-305-00-01
Division:	Chicago Commercial Bank Supervision Division
Incumbent:	Richard Brunskill
Supervisor:	Senior Public Service Administrator
Location:	Cook County

V. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) and 2(c)(11) OF THE OPEN MEETINGS ACT WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION?

VI. RECONVENE MEETING

May 18, 2005

VII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of April 30, 2005.

	<u>3/31/05</u>	<u>4/30/05</u>
Central Management Services	4	5
Children & Family Services	9	10
Comm. & Econ. Opportunity	4	3
Employment Security	1	1
Historical Preservation	0	6
Human Services	5	4
Natural Resources	1	21
Property Tax Appeal Board	1	1
Public Aid	10	10
Public Health	2	2
Revenue	1	1
State Fire Marshal	0	2
State Retirement Systems	2	2
Transportation	<u>12</u>	<u>7</u>
Totals	52	75

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **DISCHARGE (On Remand)**

DA-21-03

Petitioner	Sandra Topps	Appeal Date	11/06/02
Agency	DCFS	Decision Date	3/05/04
Type of Appeal	Discharge	ALJ	Leonard Sacks
Charge(s)	Inappropriate/Threatening Behavior; Insubordination	Recommended Decision	Charges Partially Proven; Discharge Upheld.

DOES THE COMMISSION CONCUR WITH THE DETAILED FINDING OF FACT AND LAW IN THE ABOVE MATTER?

- **DISCHARGE**

DA-24-05

Respondent	George Ignarski	Appeal Date	10/29/04
Agency	DHR	Decision Date	5/9/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation Of Professional Conduct Standards; Conduct Unbecoming; Unsatisfactory Job Performance.	Recommended Decision	Charges Partially Proven; ALJ Recommends Discharge.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

- **LAYOFF**

LA-09-05

Petitioner	Mary L. West	Appeal Date	7/12/04
Agency	DOC	Decision Date	4/26/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation of Personnel Rules Occurred as Alleged by the Petitioner.

DOES THE COMMISSION CONCUR WITH THE PROPOSED FINDING IN THE ABOVE MATTER?

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **LAYOFF**
LA-19-05

Petitioner	Scott Schmitz	Appeal Date	10/21/04
Agency	DNR	Decision Date	4/26/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation of Personnel Rules Occurred as Alleged by the Petitioner.

DOES THE COMMISSION CONCUR WITH THE PROPOSED FINDING IN THE ABOVE MATTER?

IX. APPEALS TERMINATED WITHOUT DECISION

- **DISMISSAL**
DA-59-05

Respondent	Michael P. O'Donnell	Appeal Date	3/9/05
Agency	State Fire Marshal	Decision Date	5/6/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Misconduct; Drug/Alcohol Use on Job; Misuse of State Vehicle; Non-Compliance With CMS Regulations; Possession/Consumption of Alcohol/Drugs in State Vehicle.	Recommended Decision	Withdrawn - Appeal Dismissed Subject to Commission Approval.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

May 18, 2005

IX. APPEALS TERMINATED WITHOUT DECISION (Continued)

• **DISMISSAL**

DA-57-05

Respondent	Stephen J. White	Appeal Date	2/28/05
Agency	DOC	Decision Date	4/26/05
Type of Appeal	Layoff	ALJ	Daniel Stralka
Charge(s)	Absenteeism.	Recommended Decision	Default-Appeal Dismissed Subject to Commission Approval.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• **DISMISSAL**

LA-35-05

Petitioner	Nancy Haines	Appeal Date	12-17-04
Agency	IDFPR	Decision Date	5/6/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Recommended Decision	Settlement-Appeal Dismissed Subject to Commission Approval.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• **DISMISSAL**

LA-25-05

Petitioner	Timothy D. Sickmeyer	Appeal Date	10/29/04
Agency	DNR	Decision Date	5/10/05
Type of Appeal	Layoff	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Recommended Decision	Settlement-Appeal Dismissed Subject to Commission Approval.

DOES THE COMMISSION CONCUR WITH THE RECOMMENDED DECISION IN THE ABOVE MATTER?

May 18, 2005

X. AMENDMENTS IN CLASS SPECIFICATIONS

A. **The following class title was submitted for establishment by the Director of Central Management Services:**

<u>Current Position Title</u>	<u>Proposed Position Title</u>
Public Service Administrator	Technical Advisor Advanced Program Specialist (new) ¹

Classification Analysis

The Public Service Administrator, as defined in the Distinguishing Features of Work section of the class specification, specifically excludes positions, which are subject to collective bargaining:

"Excluded from this class are senior management positions serving either as policy makers or administrators of major agency programs, positions encompassed by other existing classes within the Classification Plan, as well as those subject to the provisions of collective bargaining contracts."

The new Technical Advisor Advanced Program Specialist class was developed to accommodate only those licensed attorney Public Service Administrator positions, Option 8L, included in certain program areas defined by the Public Labor Relations Board in S-RC-05-072 certifying AFSCME as the bargaining representative, and 010, the Professional Legal Unit, as appropriate for these positions. The effective date of this certification is September 23, 2004.

The subject positions are located in the Department of Revenue, Office of Legal Services, Department of Revenue, Litigation and Department of Financial and Professional Regulation, Division of Professional Regulation, Statewide Enforcement Section, unless specifically excluded on the basis of supervisory, confidential or managerial duties by the Public Labor Relations Board.

WILL THE COMMISSION APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE MAY 1, 2005?

Technical Advisor Advanced Program Specialist

B. **The following class title was submitted for establishment by the Director of Central Management Services:**

¹ Interim approval was granted effective May 1, 2005 until the May 18, 2005 meeting.

May 18, 2005

X. AMENDMENTS IN CLASS SPECIFICATIONS (continued)

Current Position Title

Proposed Position Title

New

Capital Development Board Art-In-Architecture Technician (New)

Classification Analysis

The Art-In-Architecture Technician position in the Capital Development Board was not reported as subject to the provisions of the Personnel Code. Legislation provides that the Board may wholly exempt technical and engineering positions from the provisions of the Personnel Code. When the position came to the attention of CMS for collective bargaining purposes, the position was reviewed, with the conclusion that the position performed work requiring skills which were readily available within the larger system of positions subject to the Personnel Code, and specifically did not require a technical knowledge of the Board's programs and services in order to carry out the principal purpose of the position. The determination was made that the position would be subject to the Personnel Code.

The Art-In-Architecture Technician classification in the Capital Development Board was determined by the Public Labor Relations Board to be subject to RC-062, with AFSCME as the bargaining representative, effective October 29, 2003. The Graphic Arts Technician class under the Classification Plan is comparable to this work, but is represented in the RC-014 bargaining unit. For clarity, a new classification has been developed to represent this work as the Capital Development Board Art-in-Architecture Technician, and the employee bargaining representative has agreed with this treatment.

WILL THE COMMISSION APPROVE THE ESTABLISHMENT OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE JUNE 1, 2005?

Capital Development Board Art-In-Architecture Technician

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

XI. STAFF REPORT

May 18, 2005

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, June 16, 2005 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN